

CHAPTER NO. 549

SENATE BILL NO. 3133

By Ford

Substituted for: House Bill No. 3112

By Bowers, Patton, Coleman

AN ACT to amend Tennessee Code Annotated, Title 36, relative to child support.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-5-101(e)(4), is amended by deleting the subdivision and by substituting instead the following:

(4)(A) In addition to any other subtractions, calculations of net income under the guidelines shall take into consideration the support of any other children the obligor is legally responsible to provide. The court shall consider children of the obligor who are not included in a decree of child support, but for whom the obligor is legally responsible to provide support and is supporting for the purposes of reducing the obligor's net income, in calculating the guideline amount, or as a reason for deviation from the guidelines.

(B) In calculating amounts of support for children under the guidelines, the court shall allocate an obligor's financial child support responsibility from the obligor's income among all children of the obligor for whom the obligor is legally responsible to provide support and is supporting, in a manner that gives equitable consideration as defined by the department's child support guidelines, to the children for whom support is being set in the case before the court and to any other children for whom the obligor is legally responsible and is supporting. The court shall require that payments made out of that allocation for all children of the obligor for whom the obligor is legally responsible and is supporting, be made upon such consideration. Guidelines promulgated by the department shall be consistent with the provisions of this item.

SECTION 2. Tennessee Code Annotated, Section 36-5-101(a)(1), is amended by designating the existing language as item (a)(1)(A) and by adding the following as item (a)(1)(B):


(B)(i) Notwithstanding the provisions of subitem (ii) and § 36-5-103(f), for the purposes of this chapter, the birth or adoption of another child for whom an obligor is legally responsible to support and is supporting shall constitute a substantial and material change of circumstances for seeking a review of the existing order to determine if the addition of such child, and any credits applicable for the addition of such child under the department's child support guidelines, would result in a significant variance under such guidelines. If the significant variance is demonstrated by the review, the amount of an existing child support order may be modified by the court.

(ii) For purposes of this chapter, the significant variance established by the Department of Human Services pursuant to the child support guidelines shall provide a lower threshold for modification of child support orders for persons whose adjusted gross incomes are within low income categories established by the department's child support guidelines. The significant variance involving low income persons shall be established by rule of the department at no more than seven-and-one-half percent (7½%) of the difference between the current child support order and the amount of the proposed child support order.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: April 12, 2004


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 22nd day of April 2004


PHIL BREDESEN, GOVERNOR